

REMARKS

No claims are amended. Claims 1-20 remain pending. Please reconsider the claims in light of the following remarks.

Allowable Subject Matter

Claims 1-7, 18, and 19 are allowed.

Claim 17 is objected to as being dependent upon a rejected base claim, but is otherwise indicated to be allowable if rewritten in independent form to include all the features of its base claim (claim 8). At this time, the applicant wishes to maintain claim 17 in its present form so that the arguments that appear below in regard to claim 8 may be fully considered.

Claim Rejections, 35 USC § 102

Claims 8-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,709,370 to Bednarz ("Bednarz"). The applicant disagrees.

Claim 8 recites, in its entirety:

*A circuit, comprising:
at least two inputs;
a first transistor connected to a first input of said at least two inputs;
a second transistor connected to a second input of said at least two inputs;
a first current source connected to said first and second transistors and configured to generate a first amount of current; and
a second current source connected to said second transistor and configured to generate a second amount of current, wherein the second amount of current and a third amount of current substantially equal to the second amount of current less the first amount of current is configured to be delivered to a device.*

It is alleged that Bednarz' constant current source 56 is the recited first current source and that Bednarz' constant current source 68 is the recited second current source. If this hypothesis is true, then the recited first amount of current must be I_{P1} (FIG. 3; column 4, lines 1-3) since claim 1 requires that the first current source generate a first amount of current. Similarly, the recited second amount of current must be I_{P2} (FIG. 3; column 3, lines 67-68) since claim 8 requires that the second current source generate a second amount of current. Bednarz teaches (and the Examiner agrees) that the currents I_{P1} and I_{P2} are substantially equal (column 3, lines 67-68 to column 4, line 1).

However, if the currents I_{P1} and I_{P2} are substantially equal, then the recited third amount of current must be substantially zero, since claim 8 defines the third amount of current as the second amount of current less the first amount of current.

Claim 8 also requires that the second amount of current and the third amount of current be delivered to the device. As was shown above, if the recited second current source is Bednarz' constant current source 68, then according to the features of claim 8 the second amount of current must be I_{P2} and the third amount of current must be substantially zero. However, Bednarz clearly teaches that the laser diode 58 draws either a current that is equal to a bias current I_B or a current that is equal to the bias current I_B plus the pulse current I_{P2} (FIG. 3; column 5, lines 20-21 and lines 32-34).

Obviously, since neither of the currents I_B or $(I_B + I_{P2})$ is substantially equal to I_{P1} or zero, it must follow that, contrary to claim 8, the original hypothesis that Bednarz' constant current source 56 is the recited second current source is wrong.

On the other hand, it might be hypothesized that Bednarz' bias current source 66, which provides a constant current I_B (FIG. 3; column 3, lines 65-66) is the second current source as recited in claim 8.

In this case the recited first amount of current remains I_{P1} (which is substantially equal to I_{P2}) and the recited second amount of current becomes I_B . According to claim 8, the recited third amount of current must then be equal to $I_B - I_{P1}$. However, as explained above, Bednarz teaches that when the circuit of FIG. 3 is operative the laser diode 58 draws either a current that is equal to a bias current I_B or a current that is equal to the bias current I_B *plus* the pulse current I_{P2} (FIG. 3; column 5, lines 20-21 and lines 32-34; emphasis added).

Since the alleged third amount of current $(I_B - I_{P1})$ or $(I_B - I_{P2})$ cannot be equal to the bias current plus the pulse current $(I_B + I_{P2})$, the original hypothesis that Bednarz' bias current source 66 is the recited second current source must also be incorrect.

As required by claim 8, only the constant current source 68 and the bias current source 66 could possibly be the recited second current source, since only they are connected to the alleged second transistor 52 (FIG. 3). However, it was shown in the arguments above that neither one of them can be the recited second current source because, contrary to claim 8, each of them fails to deliver to a device a second amount of current and a third amount of current substantially equal to the second amount of current less the first amount of current.

Consequently, Bednarz fails to anticipate claim 8 because it does not teach the identical invention in as complete detail as is contained in the claim. MPEP 2131, *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

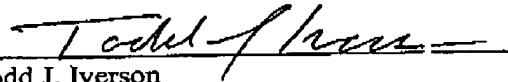
Claims 9-17 and 20 depend from claim 8, and inherently contain the features of claim 8. Consequently, Bednarz also fails to anticipate claims 9-17 and 20 for at least the reasons presented above. MPEP 2131.

Conclusion

For the above reasons, the applicant believes that claims 8-17 and 20 should be allowed along with claims 1-7, 18, and 19. Please contact the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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Signature


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